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Attorneys for Plaintiff,  
KENMARK VENTURES, LLC

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
ANTHONY THOMAS and WENDI  
THOMAS,  
AT EMERALD, LLC,  
Debtors.

KENMARK VENTURES, LLC

Plaintiff,

v.

ANTHONY THOMAS and WENDI  
THOMAS,  
Defendants.

Case No. BK-N-14-50333-BTB  
Case No. BK-N-14-50331-BTB

Chapter 7

[Jointly Administered]

Adv. Pro. No. 14-5022

**PLAINTIFF'S PRE-TRIAL DISCLOSURES**

**[Fed.R.Bankr.Pro. 7026(A)(3)]**

Reserving all rights and remedies, KENMARK VENTURES, LLC ("Kenmark") makes the following pre-trial disclosures pursuant to Fed.R.Bankr.Pro.7026(a)(3):

**I. Potential Witnesses**

Kenmark expects to call the following witnesses to support its claims, except for impeachment witnesses:

<b>Name</b>	<b>Address</b>	<b>Summary</b>
Ken Tersini	Address c/o Kenmark's undersigned attorney.	Ken Tersini will testify to the fraud perpetrated by defendant Thomas, the false statements made by Mr. Thomas, and the damages that were incurred as a result as alleged in the Adversary Complaint. Mr. Tersini will also testify about the settlement of the civil trial in Santa Clara Superior Court case No. 108CV130667.
Mark Tersini	Address c/o Kenmark's undersigned attorney.	Mr. Tersini will testify to the fraud perpetrated by defendant Thomas, the false statements made by Mr. Thomas, and the damages that were incurred as alleged in the Adversary Complaint. Mr. Tersini will also testify about the settlement of the civil trial in Santa Clara Superior Court case No. 108CV130667.
Anthony George Thomas	Known to defendant.	May be called as an adverse witness regarding the matters alleged in the Adversary Complaint and settlement of the civil trial in Santa Clara Superior Court case No. 108CV130667.

Kenmark may call the following witnesses to support its claims if the need arises, except for impeachment witnesses:

<b>Name</b>	<b>Last Known Address</b>	<b>Summary</b>
Harriet Davidson	2135 Ascot Drive, Number 18, Moraga, CA 94556	Worked at Electronic Plastics and familiar with loan from Kenmark.
Kenneth Conetto	San Jose, CA	Has information regarding Thomas Emerald.
Shawn Milligan	2240 Glenkirk Court San Jose, CA. 95124	Worked for Kenmark and familiar with issues concerning the Thomas Emerald.

Name	Last Known Address	Summary
Jeffrey Hartlin	Attorney at Paul Hastings.	Attorney that represented Electronic Plastics. Familiar with Joe Kafka, Mr. Thomas and Michael Gardner. May have information regarding loan from Kenmark and representations made by Mr. Thomas.
Lori Puccinelli Stern	33934 California Street San Francisco, CA. 94118  Glodow Nead Communications 1700 Montgomery Street Suite 203, San Francisco, 94111	May have information regarding the Thomas Emerald and discussions with Mr. Thomas.

## **II. Presentation of Witnesses by Deposition Transcripts**

Kenmark does not expect to present the direct testimony of any witnesses through deposition transcripts.

## **III. Trial Exhibits**

Kenmark expects to offer the following documents to support its claims, either through judicial notice or a sponsoring witness, except for impeachment documents:

1. Judgment to be entered in Santa Clara Superior Court case No. 108CV130667.
2. Documents highlighted in yellow in the attached table, referred to by their Exhibit Nos. in Santa Clara Superior Court case No. 108CV130667. Documents that are not highlighted in yellow may be offered by Kenmark to support its claims, except for impeachment documents.

3. Kenmark may also offer the following documents to support its claims, except for impeachment documents:

(a) Documents produced by Defendant Thomas in response to First Request for Production of Documents, including but not limited to:

Bates Number	Description
AT0001- AT0016, AT0052 – AT0083	Emails between Thomas and Koyo Trading (Dr. Naverette) during April and May, 2015

Bates Number	Description
AT0093 – AT0144	Emails between Thomas and Koyo Trading (Dr. Naverette and Clarke) during February and March, 2015
AT0269 – AT0284	Emerald Purchase Agreement
AT0222	Letter of Intent – Blue Minerals
AT1264	Memo from Thomas to Ruy Saraiva
AT1521 – 1530	East Heritage Holding Agreement and Memorandum of Understanding
AT1326 – 1348	Distribution Agreement between Electronic Plastics and Al Madina Development and Supply
AT0915-AT0934	Memorandum and Order Re: Civil Contempt – E-Smart v. Wayne Drizin, et al., Case No. 3:06-5528 – USDC Northern California
AT0551	Addendum to Asset Purchase Agreement – New Line
AT0527 – AT0529	Asset Purchase Agreement – New Line
AT0269 – AT0283	Purchase Agreement – Venado Resources, LLC and Thomas

(b) All documents attached as Exhibits to the Adversary Complaint in the above-captioned Adversary Proceeding.

Dated: September 16, 2015

/s/ Wayne A. Silver

Wayne A. Silver, attorney for Plaintiff  
KENMARK VENTURES, LLC



Exhibit	Date	Description	Bates
		Memorandum re: e-Smart litigation and letter to Whom it May	
0001	06/26/07	Concern from Glen T. Jonas	2 pages
0002	02/17/04	History of the Thomas Emerald	K0160 - K0161
0003	12/03/06	Harrison Steele Partners PP Appraisal	K0123 - K0124
0004	02/22/07	John World Forensics, LLC Appraisal	K0146 - K0152
0005	03/23/07	Ringsrud Gemology Emerald Report	K0158 - K0159
0006	09/23/09	Ringsrud Gemology Emerald Report	ATE0033 - ATE0036
0007	11/04/09	Letter to Whom it May Concern from Lori Puccinelli with attachment	ATE0019
0008	11/05/01	Appraisal by Dimitri Paraskevopoulos	K0154 - K0155
0009	02/xx/07	Electronic Plastics, LLC Business Plan	K0391 - K0410
0010	07/12/07	E-mail chain re: Honeywell Meeting	K0666 - K0668
0011	06/28/07	E-mail to Ken Tersini from Tony Thomas re: Emerald Particulars	K0594
0012	07/18/07	Secured Demand Note	K0682 - K0683
0013	07/06/07	E-mail chain re: Yubecom/Norfied	K0595 - K0596
0014	06/19/07	E-mail to Ken Tersini from Tony Thomas re: Guarantee from StarVan Korea	K0622
0015	04/22/09	Electronics Plastics (Tony Thomas) Funding History as of 4/22/09	K0545 - K0563
0016	10/25/07	Secured Demand Note	K0684 - K0685
0017	10/25/07	Security Agreement	K0688 - K0691
0018	10/25/07	KT-EPC Interim Funding Agreement	K0686 - K0687; K0677; K0592
0019	05/29/08	Letter to Tony Thomas and Michael Gardiner from Peter Klin	ATE0015 - ATE0016
0020		Letter to Ken from Tony	K0692
0021	07/10/08	Written Consent of the Sole Member of AT Emerald, LLC	ATE0111 - ATE0112
0022		Asset Purchase Agreement from New Line	ATE0127 - ATE0137
0023	06/08/08	Shareholders Agreement by and between EP International LLC and New Line Trading an AI Serkal Group Company	K0240 - K0252
0024		Investment Suisse Irrevocable Letter of Offer	ATE0140 - ATE0149
0025		Letter of Intent between AI Serkal Group and Idsmart	
0026		Joint Venture Agreement between AT Emerald, LLC and Shire International, Ltd	ATE0051 - ATE0059
0027		Order to Cease and Desist	ATE0049 - ATE0050
0028		Distribution Agreement between Electronic Plastics, LLC a Delaware LLC and AI Madina Development & Supply LLC	K0643 - K0665
0029		E-mail to Michael Gardiner and Thomas Thomas from Don Fulghum, Subject: UAE Trip Summary and attachment	K0605 - K0612
0030	01/13/10	Letter to Joseph Scanlan from Joseph Kalka, with attachments	
0031	03/26/09	Letter to Michael Gardiner from Anthony Thomas re: Electronic Plastics, LLC	ATE0024
0032	11/06/08	Letter to Peter Kline from Joseph Kalka	ATE0008
0033		E-mail chain, subject: Honeywell Call Update	K0598 - K0599
0034		E-mail to Jeffrey Hartlin from Peter Kline, re: Business Funding Agreement, with attachment	ATE0174 - ATE0186
0035	04/20/10	Deposition Subpoena for Personal Appearance and Production of Documents and Things	



Exhibit	Date	Description	Bates	
0036	06/01/10	Proof of Personal Service and Notice of Taking Deposition	8 pages	
0037	06/10/10	E-mail chain between Joseph Scanlan and Ron Ringsrud	1 page	
0038	07/15/10	Plaintiff's Notice of Taking Deposition of Harriett L. Davidson with Production of Documents and Things	10 pages	
0039		Reimbursed Expenses	1 page	
0040		Top Twenty Vendors ID Smart LLC	1 page	
0041		List of Top Twenty Creditors	1 page	
0042		List of Creditors Sub C	7 pages	
0043		List of Creditors ID Sub A	3 pages	
0044		Inventory ID	1 page	
0045		Max Payments to EP LLC	1 page	
0046		Income Statement DP 07	1 page	
0047		Advances to Owners Sub E Corrected	1 page	
0048		Account Name: Property Plants & Equipments	5 pages	
0049		Transfer from Proof	2 pages	
0050		Per Payroll Amounts	1 page	
0051		Balance Sheet ID 08	1 page	
0052	12/31/08	Electronic Plastics LLC Balance Sheet	2 pages	
0053		IS Smart Income Statement	1 page	
0054	08/09/10	Letter to Joseph A. Scanlan, jr. from Raul A. Mayorga with attachments		
0055		Assets ID Sub B	1 page	
0056		Per Payroll Amounts	1 page	
0057		Copy of Proof of Deposits	1 page	
0058		Electronic Plastics LLC, LLC Agreement Summary of Material Terms and Issues List	K0097 - K0099	
0059	08/23/07	E-mail from Hartlin to Kline re: Business Funding Agreement	K0125 - K0144	
0060		Limited Liability Company Agreement for Electronic Plastics, LLC	K0336 - K0389	
0061	04/12/08	E-mail from Hartlin to Joeperske@aol.com re: Electronic Plastics LLC Agreement	K0438 - K0489	
0062	08/12/10	Notice of Taking Deposition (of AT Emeralds PMK)		
0063	01/23/09	Declaration of Anthony Thomas (in Opposition to Release of Property)		
0064	07/10/08	Written Consent of the Sole Member of AT Emerald, LLC	ATE0111 - ATE0112	dup
0065	09/02/08	Order to Cease and Desist	ATE0049 - ATE0050	dup
0066	05/23/08	Rental Agreement for Sarasota Vault Depository	ATE0039	dup
0067	10/25/07	Security Agreement	K0688 - K0691	dup
0068				
0069				
0070	04/22/09	Electronic Plastics Funding History	K0545	
0071	various	Wire transfer requests	K0547 - K0563	
0072	06/24/07	E-mail from Carl McNeice to Ken Tersini	K0623	
0073	06/27/07	E-mail from Tony Thomas to Ken Tersini with attachment	K0430 - K0431	
0074	07/18/07	Secured Demand Note between Electronic Plastics, LLC, Tony Thomas and Kenneth Tersini	K0682 - K0683	



Exhibit	Date	Description	Bates	
0075	08/xx/07	Business Funding Agreement between Kenmark Ventures and Electronic Plastics, LLP and Tony Thomas	K0411 - K0421	
0076	09/xx/07	Electronic Plastics LLC Corporate Overview, Draft	K0090 - K0091	
0077	09/15/07	E-mail from Tony Thomas to Ken Tersini with forwarded message and attachment	K0267 - K0286	
0078	09/17/07	IDSmart Meeting Notes		
0079	08/24/07	E-mail from Peter Kline to Jeffrey Hartlin, with previous messages	ATE0172 - ATE0173	
0080	01/05/08	E-mail from Peter Kline to Jeffrey Hartlin	ATE0257 - ATE0258	
0081	09/11/07	E-mail from Peter Kline to Vandoren and Tony Thomas with attachments	ATE0188 - ATE0205	
0082	07/18/07	Secured Demand Note between Electronic Plastics, LLC, Tony Thomas and Kenneth Tersini	K0682 - K0683	dup
0083	11/04/07 10/25/07	Secured Demand Note between Electronic Plastics, LLC, Tony Thomas and Kenmark Ventures, LLC, with handwritten interlineations	K0684 - K0685	
0084	08/xx/07 10/25/07	Security Agreement between Tony Thomas and Kenmark Ventures, LLC, with handwritten interlineations	K0688 - K0691	
0085	10/25/07	KT-EPC Interim Funding Agreements	K0686; K0677; K0592	
0086	05/29/08	Letter from Peter Kline to Tony Thomas and Michael Gardiner	ATE0015 - ATE0016	
0087	06/04/08	Letter from Peter Kline to Tony Thomas and Michael Gardiner	K0620	
0088	10/31/08	Letter from Peter Kline to Tony Thomas		
0089	11/06/08	Letter from Joseph Kafka to Peter Kline	ATE0008	dup
0090		Electronic Plastic, LLC Agreement Summary of Material Terms and Issues List	K0097 - K0099	
0091	01/11/08	E-mail from Jeffrey Hartlin to Peter Kline, with attachments: Limited Liability Company Agreement for Electronic Plastics, LLC, a Delaware Limited Liability Company	ATE0261 - ATE0367	
0092 - 0149 INTENTIONALLY SKIPPED				
0150		Handwritten Notes	5 pages	
0151		Declaration of Michael Gardiner in Support of Defendants' Memorandum in Opposition to Plaintiffs' Motion for a Temporary Restraining Order	38 pages	
0152		Ken Distribution Jan - Aug 1.3 mil	4 pages	
0153		Accounting Document, September to December '07	2 pages	
0154		Accounting Document	4 pages	
0155		Accounting Document	4 pages	
0156		Assets	4 pages	
0157		Assets	1 page	
0158		Salary Breakdown	3 pages	
0159		Distribution of Funds May '06 - September '07	6 pages	
0160		Checks written against 300k received Sept.	1 page	
0161		Accounting Document	2 pages	
0162		Accounting Document	4 pages	
0163		Cash Flow Statement	1 page	
0164		Accounting Document	2 pages	

Exhibit	Date	Description	Bates	
0165		Accounting Document	2 pages	
0166		Accounting Document	6 pages	
0167		Liabilities	1 page	
0168	05/15/07	Letter to Whom it May Concern from Anthony G. Thomas	2 pages	
0169	05/16/06	Investment Agreement	2 pages	
0170	06/10/07	Agreement between Michael Gardiner and Anthony Thomas	1 page	
0171		IDSmart, The Sensor Card	K0100 - K0102	
0172	06/28/07	E-mail re: Emerald Particulars	1 page	
0173	04/23/08	E-mail re: Items for Discussion	1 page	
0174	04/23/08	E-mail re: Issues and Action Plan from Tuesday Call	1 page	
0175	10/23/08	E-mail re: Funding	2 pages	
0176		AT Emeral, LLC Commission Agreement	2 pages	
0177		Contract of Establishment of a Joint Participation Company with a Capital of AED 2.00		
0178		Color Photographs and other documents re: Emerald		
0179 - 0200 INTENTIONALLY SKIPPED				
M0001	06/28/07	Safe Deposit Box Lease Agreement	ATE0020 - ATE0023	
M0002	05/23/08	Rental Agreement for Sarasota Vault Depository	ATE0039	



**CERTIFICATE OF SERVICE**

I served the foregoing PLAINTIFF'S PRE-TRIAL DISCLOSURES; CERTIFICATE OF SERVICE by the following means on September 16, 2015 to the persons listed below:

XX Regular mail: I caused service of this document to be made on September 16, 2015 by regular, first class United States mail, postage fully pre-paid, addressed to:

Anthony Thomas  
Wendi Thomas  
7725 Peavine Peak Court  
Reno, NV 89523

I declare under penalty of perjury that the foregoing is true and correct. Signed this 16<sup>th</sup> day of September, 2015 at Sunnyvale, CA.

/s/ Kevin J. LeBlanc

Kevin J. LeBlanc